



Montana Department of Corrections

Business Management Services

Steve Bullock, Governor

Mike Batista, Director

December 29, 2014

Federal Communications Commission
47 CFR Part 64
WCB: WC Docket No. 12-375: FCC 14-158
Rates for Interstate Inmate Calling Services:
Second Further Notice of Proposed Rulemaking

To Whom It May Concern,

The following is the Montana Department of Corrections' (MDOC) response to the Second Notice of Proposed Rulemaking for Inmate Calling Services (ICS):

"The Montana Department of Corrections is dedicated to reducing the rate offenders return to incarceration by utilizing collaborative interagency partnerships and national best practices for reentry. Success for offenders means having stable housing and employment, effective treatment, positive personal relationships, family support and appropriate supervision that allows them to build productive, law-abiding lives" (Montana Reentry Initiative). Telephone commissions play a large role in giving Montana inmates a head start in the community via payments for various reentry expenses.

According to the terms of the department's contract with Telmate, LLC, MDOC receives a monthly commission payment. These commissions are restricted for use through the State's IWF. All expenditures made from the IWF are discussed with inmate representatives. The MDOC IWF currently supports recreation equipment, visiting room furnishings and equipment, family days, funeral visits, inmate television access, and other activities not funded by the State's general fund. Resources from the IWF may also be provided to inmates for reentry expenses such as bus tickets, housing, and personal phone costs. Any costs incurred by providing ICS are funded through the department's base general fund budget. However, the items listed above will be left unfunded if commissions are eliminated from ICS contracts.

If the elimination of commissions results in a reduction in call rates at MDOC facilities, usage may increase at first. Rates for MDOC inmates decreased exponentially when MDOC went through the competitive bid process and awarded the ICS contract to Telmate, LLC. MDOC saw initial increases, but call volumes trended back to previous levels after the first six months. Page 69687, paragraph 35 of the FCC Notice of Proposed Rulemaking also raises the question whether contracting with multiple ICS providers would lead to more competitive pricing.

While it is possible to enter into contracts with multiple providers, security and intelligence functions are more successful when all on the same system.

The MDOC currently contracts with Telmate, LLC for ICS at the Montana State Prison, Montana Women's Prison, Pine Hills Youth Correctional Facility, and Riverside Youth Correctional Facility. Current rates are \$0.24 connect fee and \$0.12 per minute. These rates are in compliance with the interim safe harbor caps noted in section 10 on page 69684 of the Federal Register.

On page 69686, paragraph 28 of the notice, the FCC proposes a "two-year transition away from site commissions to avoid flash cuts and permit correctional institutions time to adjust". The MDOC appreciates a transition period as inmates will need to be prepared for the elimination of many inmate activities and re-entry assistance. If the FCC chooses to confirm the proposed rule, the MDOC would like to see the FCC grandfather existing contracts, allowing for an extended transition period.

As the commission considers the impending impact of the proposed ruling on correctional institutions, the MDOC would like to reiterate the benefits commission payments provide to MDOC inmates. The absence of commission payments through ICS leaves MDOC without alternative mechanisms to provide valuable equipment and services to inmates. While low calling rates for ICS allows inmates and their families the opportunity to stay in touch during incarceration periods, commission payments to the MDOC IWF fund offers inmates additional benefits during incarceration and reentry into the community that will likely be terminated with the passage of the proposed ruling. The MDOC asks that the FCC weighs all options before adoption of a final ruling regarding rate caps and the elimination of commission payments for ICS.

Sincerely,

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